

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

OFFICER MOSBETH USMC, OFFICER  
MC SHRINE, OFFICER RYFINKN,  
OFFICER WIERER, OFFICER COOPER,  
LMHIP DONOVAN, APRN EDEN WODIJO,  
and ADMINISTRATOR NORDICK,

Defendants.

**8:22CV320**

**MEMORANDUM AND ORDER**

This matter is before the Court on its own motion. Plaintiff filed a Complaint on September 8, 2022, which included a request to proceed in forma pauperis. [Filing No. 1 at 8](#). However, Plaintiff's request does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. See [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the Clerk's office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).<sup>1</sup> Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

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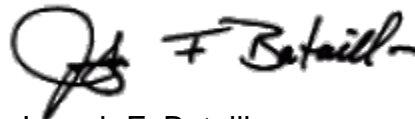
<sup>1</sup> If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the Court's \$350 filing fee in installments. See [28 U.S.C. § 1915\(b\)\(1\)](#); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). He would not be subject to the \$52.00 administrative fee assessed to non-IFP plaintiffs.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$402.00 fees to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
3. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **October 20, 2022**: Check for MIFP or payment.

Dated this 20th day of September, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge